

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

BARTRONICS, INC.,)	
)	
Plaintiff,)	Civil Case No. 2:06-CV-00825-M
)	
vs.)	Magistrate Judge Bert W. Milling, Jr.
)	
POWER-ONE, INC. and)	Jury Trial
MAGNETEK, INC.,)	
)	
Defendants.)	
)	

ANSWER AND COUNTERCLAIM

Defendants, Power-One, Inc. and Magnetek, Inc., by and through their undersigned attorneys, answer the Complaint filed against them in this action as follows:

1. Defendants do not have sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint.
2. Defendants admit the allegations contained in paragraph 2 of the Complaint.
3. Defendants admit the allegations contained in paragraph 3 of the Complaint, except that the Defendants deny that Magnetek's principal place of business is Chatsworth, California.
4. Defendants admit the allegations contained in paragraph 4 of the Complaint.

5. Defendants admit that this Court has subject matter jurisdiction over this action pursuant to 26 U.S.C. §§ 1331.

6. Defendants deny that venue is proper in this district pursuant to 28 U.S.C. §§1391(b), 1391(c), and/or 1400(b).

7. Defendants admit the allegations contained in paragraph 7 of the Complaint except that Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegation that Bartronics is the assignee of the '057 patent and further deny that any claim in the '057 is valid or enforceable.

8. Defendants admit the allegations contained in paragraph 8 of the Complaint.

9. Defendants admit the allegations contained in paragraph 9 of the Complaint.

10. The allegations contained in paragraph 10 of the Complaint are denied.

11. The allegations contained in paragraph 11 of the Complaint are denied.

First Affirmative Defense

One or more of the claims of the '057 are invalid under 35 U.S.C. §102.

Second Affirmative Defense

All of the claims are unenforceable due to the Plaintiff's inequitable conduct during the prosecution of the '057 patent.

COUNTERCLAIM

1. This Court has jurisdiction over this counterclaim pursuant to 28 U.S.C. §1338(a) and the Declaratory Judgment Act, 28 U.S.C. §§2201-2202.

2. Venue is proper in this Court only because the Plaintiff has submitted to this Court's jurisdiction by the filing of the Complaint in this action.

3. An actual controversy exists between the Defendants/Counter-claimants, Power-One and Magnetek, Inc., and the Plaintiff/Counter-defendants, Bartronics, Inc. with respect to the alleged validity, enforceability, and infringement of the '057 patent.

4. One or more of the claims of the '057 patent are invalid under 35 U.S.C. §102.

5. One or more of the claims of the '057 patent are unenforceable because Plaintiff failed to advise the United States Patent and Trademark Office that Johann W. Kolar should have been named as an inventor on the '057 patent and did so with the intent to mislead the patent office.

6. Defendants/Counter-claimants are not now infringing, and have not in the past, infringed the '057 patent.

WHEREFORE, Defendants/Counter-claimants demand judgment against Plaintiff/Counter-defendant that:

A. One or more of the claims of the '057 patent are invalid, unenforceable, and/or not infringed;

B. Defendants/Counter-claimants recover from Plaintiff/Counter-defendant its costs and attorneys fees; and

C. Defendants/Counter-claimants have such other and further relief to which it may be entitled.

Respectfully submitted,

s/ Larry W. Brantley

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Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on this 30th day of January, 2007, a true and correct copy of the foregoing Answer and Counterclaim was forwarded electronically via the Court's electronic filing system to the following counsel of record for the Plaintiff, Bartronics, Inc.:

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s/ Larry W. Brantley

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